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INTRODUCTION: GENDER EQUITY IN SPORTS

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Twenty-two years have elapsed since the passage of section 901 of Title IX of the Education Amendments Act which banned discrimination against women in several areas, including sports. There is no doubt that 1994 and 1995 have been years in which women's opportunities for participation in sports have been *the* issue in college athletics.

On the collegiate level, in 1993-1994, 105,190 of the 295,174 NCAA student-athletes were women. This participation level marked the first time women's involvement in college athletics exceeded 100,000. However, despite the passing of Title IX more than two decades ago, women's participation in college sports is only 36 percent.

Overall, Title IX has not achieved its expectations. However, it has served as a vehicle for women in athletics to pursue equal stand-

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ing and oppose institutionalized sexism. Historically, college athletic programs have failed to or were unwilling to expand women's sports. If such programs were created over two decades ago, parity might exist between men's and women's sports today. Instead, it has taken litigation and the threat of further court battles to finally compel the athletic community to confront the long existing disparity that divides men's and women's college athletics.

College athletic programs are currently reacting to a succession of court cases that have been decided in favor of gender equity. Presently, in order to conform to court mandates, universities are cutting men's sports to either create more opportunities for women or reduce the number of opportunities for men.

Some other disparities in college athletics indicate the reasons why women's opportunities to participate in sports is such a compelling issue. In 1972, over 90 percent of women's athletic programs were directed by a female. Currently, that number is a dismal 17 percent. The percentage of women coaching women's teams has declined from over 90 percent in 1972 to 48 percent in 1992. Moreover, men's athletics still outspend women's athletics two to one in scholarships, three to one in expenses and four to one in recruiting. Finally, the average number of men's sports offered today is almost nine—as opposed to seven for women.

Since the passage of Title IX, application of its tenets has been resisted most adamantly by those who argue that it will “ruin college football.” Traditionally, NCAA member institutions have dedicated substantial proportions of athletic department budgets to football programs, including a disproportionately large number of scholarships. Proponents for maintaining this imbalance suggest that it is warranted due to the revenue generated by football. Just as this Volume was going to press, the American Football Coaches Association called for new Congressional hearings on Title IX to either eliminate its application to football or to remove the law's proportionality standard. These efforts were met head-on by advocates for gender equity.

Clearly, the way in which men's and women's college athletics are distinguished goes far beyond budgets and scholarships. Perhaps one of the more dramatic examples of the different treatment extended to male and female college athletes is seen annually during the NCAA basketball tournaments held in March. Although the women's games present superbly skilled athletes and drama equivalent to the men's games, basketball fans cannot see a televised women's game until the Women's Final Four. Conversely,

each game of every round of the men's tournament is telecast nationwide. Networks often attribute this disparity to the belief that Americans are far more inclined to watch competitive men's sports than women's sports.

This presumption also contributes to a reluctance to form professional women's leagues. Although the best male college basketball players have professional opportunities awaiting them in the National Basketball Association, Europe and the Continental Basketball Association, women who play college basketball are often competing for the last time at such a high level of organized competition. Basketball, as well as, virtually all women's team sports, affords few opportunities as a paid profession. Rather, female athletes remain confined to American professional sports careers in individual competition such as tennis, golf and skating. To play basketball, they must go overseas where opportunities are scarce at best.

Many college athletic directors say they believe in gender equity but do not see how they can implement it without dividing their departments and devastating men's sports. A few directors simply fail to believe that women's athletic programs should be treated as seriously as those for men. Gender equity should not be about how to finance new sports for female athletes but about a basic social right for women. In fact, despite the substantial financing of men's sports, few of them generate revenue. Clearly, college athletics has higher purposes than merely making money. Equity should be one of those purposes.

In the forthcoming pages are three articles which offer varied perspectives on Title IX. The first two articles emanate from the *Forum's* Fall 1993 Title IX symposium. The first, a Practitioner's Note by Anne Bloom, discusses the need to use Title IX as a vehicle to eviscerate the financial disparity between men's and women's athletic programs. The second article, also a Practitioner's Note, by George A. Davidson and Carla A. Kerr, questions courts' rulings that require athletic opportunities for men and women at a college or university to be proportionate to each sex's enrollment. Finally, a Comment and a Casenote, prepared by Villanova Law students, analyzes Title IX's history as a means of looking into the uncertain future of this body of law. Though different in focus, each of these articles reminds us that Title IX is in a constant state of flux.

